

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MARKUS KLOSTER, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

LILIUM N.V., KLAUS ROEWE, and JOHAN
MALMQVIST,

Defendants.

Case No. 1:24-cv-08479-JPO

**JOINT STIPULATION AND [PROPOSED] ORDER REGARDING TRANSFERRING
ACTION**

WHEREAS, on November 8, 2024, attorneys for Defendants Lilium N.V., Klaus Roewe, and Johan Malmqvist (collectively, “Defendants”) and for Plaintiff Markus Kloster (“Plaintiff”) met and conferred regarding the transfer of the above-captioned action to the United States District Court for the Southern District of Florida, West Palm Beach Division;

WHEREAS, Defendants contend venue would be proper in the Southern District of Florida, West Palm Beach Division pursuant to 15 U.S.C. § 78aa, given that Defendant Lilium’s operations in the United States have been based in Boca Raton, Florida and that it has thus “transact[ed] business” there in the meaning of the statute;

WHEREAS, in a previous securities class action concerning Lilium and its corporate officers, *Gnanaraj v. Lilium N.V.*, No. 9:23-cv-80232-RLR (S.D. Fl.), Defendants moved to transfer the case from the Central District of California to the Southern District of Florida. Judge Fernando M. Olguin of the Central District of California “conclude[d] that transferring th[e] case w[ould] better serve the interests of justice and the convenience of the parties and the witnesses,”

given that “all of the [§ 1404(a)] factors either weigh[ed] in favor of transfer or [we]re neutral,” and transferred the case (Order Transferring Action at 10, *Gnanaraj v. Lilium N.V. et al.*, No. 2:22-cv-02564-FMO-MRW (C.D. Cal. Feb. 10, 2023), ECF No. 49);

WHEREAS, Defendants contend that transfer to the Southern District of Florida, West Palm Beach Division, would be the most convenient and just result, given Lilium’s operations in Boca Raton, Florida; that documents and witnesses, if this case proceeds to discovery, are also more likely to be located in Boca Raton, Florida, which will aid efficiency of service of process if necessary; that Defendants would find that venue most convenient; and that the Southern District of Florida has already been adjudged the most convenient and just venue in a previous action concerning Lilium and its corporate officers; AND

WHEREAS, all parties consent to transfer of the above-captioned action pursuant to 28 U.S.C. § 1404(a).

IT IS HEREBY STIPULATED AND AGREED among the undersigned parties, and respectfully submitted for the Court’s approval as follows:

1. All parties consent to the transfer of this action to the United States District Court for the Southern District of Florida, West Palm Beach Division.
2. In view of the consent of all parties, and given the facts as stipulated above, the above-captioned action shall be transferred to the United States District Court for the Southern District of Florida, West Palm Beach Division pursuant to 28 U.S.C. § 1404(a).

Stipulated and agreed to on this 14th day of November 2024 by:

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SO ORDERED this _____ day of November , 2024

J. PAUL OETKEN, U.S.D.J.